



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,824	10/19/2004	Ian Harley	GB920020037USI	8854
46335	7590	11/16/2005		
DILLION & YUDELL, LLP 8911 N CAPITAL OF TEXAS HWY SUITE 2110 AUSTIN, TX 78759			EXAMINER MENEZES, MARCUS	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,824

Applicant(s)

HARLEY, IAN

Examiner

Marcus Menezes

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

THIS ACTION IS RESPONSIVE TO THE AMENDMENT FILED ON OCTOBER 31, 2005.

- ☐ Claims 9-11 were canceled.
- ☐ Claims 1-8 are pending.

Claim Rejections - 35 USC § 102

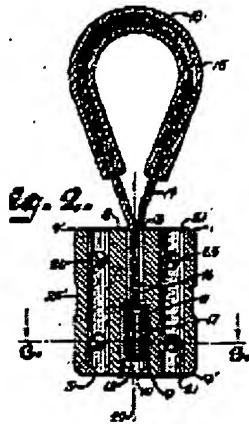
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ensley (US Patent No. 3,166,810).

Regarding claim 1, Ensley teaches of a cable gripping device that comprises of an elongated housing (7) for receiving a cable axially with the housing being configured to permit an end of the cable to leave and be received back by the housing, forming a loop. Also, the device includes a means for securing part of the cable via a crimping method when the cable is received back by the housing. (See below).



Regarding claim 2, Ensley teaches of a tubular housing (7) wherein the cable passes along a central bore (10) of the housing. Regarding claim 3, Ensley teaches an aperture (11) that opens to one side of the housing with the cable leaving said aperture. Regarding claim 4, Ensley teaches of a recess (13) on a side of the housing opposite the aperture opening, wherein the cable is received in said recess. Regarding claim 6/3 and 6/4, Ensley teaches of a slanted aperture that guides the cable out of the aperture.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

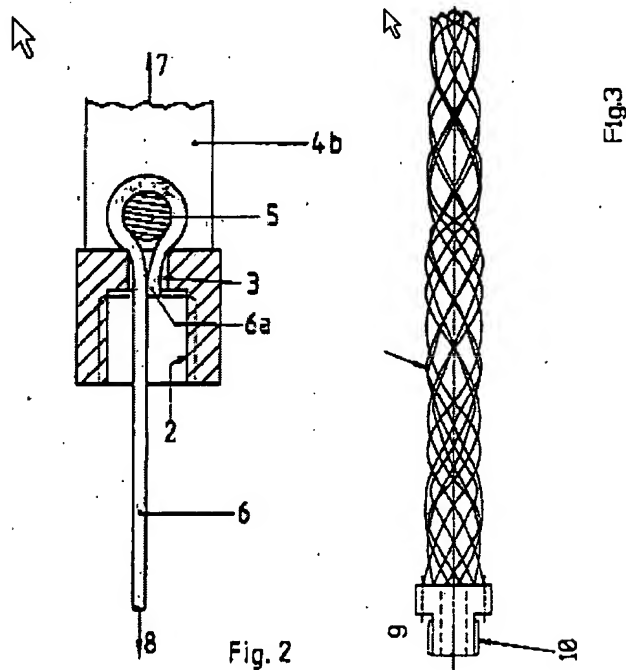
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohle et al. (DE 42 03 093) in view of Archer (US Patent No. 4,162,095).

Bohle et al. teaches of a device for gripping and drawing a cable, comprising of an elongated tubular housing for receiving a cable (6) axially and where the cable

Art Unit: 3677

leaves at an aperture below the device head (5) at one end of the housing and is received back on another side of the same aperture, forming a cable loop at the same end of the housing. Bohle et al. further teaches of a backup lock (9) that has an external thread (10) that can be threaded into an internal winding (2) within the housing in order to further secure. Additionally, Bohle et al. teaches that the cable passes through the housing along a central bore (3), entering at a recess on the side of the housing opposite the aperture opening and exiting at the aperture. Finally, Bohle teaches that the aperture is slanted at 90° with the top of the aperture, thus guiding the cable out through the aperture. However, Bohle et. al. fails to teach of an initial first locking device with a biasing member that temporarily holds the cable loop against the head. (See Fig. 2 and 3 below).



Archer teaches of a locking member (4) on a cable sling that biases the cable (2a) to the head (1) of the sling. (See Fig. 3 and col. 2, lines 59-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the teaching of a locking member involving a head and biasing means in the Bohle et al. patent in view of the Archer patent in order to further secure the cable within the cable installation device.

Response to Arguments

5. Applicant's arguments filed October 31, 2005 have been fully considered but they are not persuasive.

Applicant's argument states that the Ensley device is not pulling a cable such that the cable being pulled in Ensley has multiple wire strands. This argument is irrelevant since the intended use of the claimed apparatus is "for gripping a cable." A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Ensley ('810) meets all the claimed limitations and is capable of gripping a cable as demonstrated by gripping wire rope 14, as shown in Figures 5 and 6.

In view of applicant's currently listing of claims, the claims objections and rejection(s) under 35 USC 112, indicated in the prior Office action each have been withdrawn.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3677

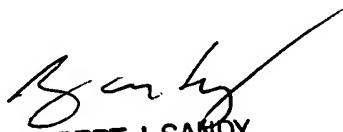
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcus Menezes
Examiner
Art Unit 3677


ROBERT J. SANDY
PRIMARY EXAMINER